

CENSUS

AN ORDINANCE TO PROVIDE FOR THE TAKING OF A CENSUS FROM TIME TO TIME.

Ordinance Nos,
9 of 1900

6 of 1945

Act Nos,

22 of 1955

16 of 1981

55 of 2000

26 of 2011

Short title.

1. This Ordinance may be cited as the Census Ordinance.

Minister to direct
taking of census.

[2, 55 of 2000]

[2, 16 of 1981]

2. It shall be lawful for the Minister from time to time, by Order published in the Gazette, to direct that a census be taken of the population, housing, agriculture, livestock, trade, labour, industry, construction or commerce or such other matters as he may deem necessary for ascertaining the demographic, social or economic condition of the inhabitants of Sri Lanka.

Appointment of
Superintendent of
Census.

[2, 55 of 2000]

[2, 16 of 1981]

3. To superintend the taking of any census, there shall be appointed an officer to be called 'the Superintendent of Census'. If an appointment to the office of the Superintendent of Census is not made, the Director-General of Census and Statistics appointed under the Statistics Ordinance shall exercise, perform and discharge, all such powers, duties and functions as are conferred or imposed on, assigned to, the Superintendent of Census by this Ordinance

Appointment of
Deputy and
Assistant
Superintendents of
Census, and of

4. (1) There may also be appointed for the purposes of the Ordinance such number of Deputy or Assistant Superintendents of Census and other officers and servants as the Minister may deem necessary.

officers and
servants.
[3, 6 of 1945]

(2) A Deputy or Assistant Superintendent of Census may be appointed by name or by office, and shall in the exercise of his powers and the performance of his duties, be subject to the general direction and control of the Superintendent of Census.

Rules by the
Minister.
[2, 26 of 2011]
[3, 55 of 2000]
[3, 16 of 1981]

5. (1) The Minister may for the carrying out of the purposes of this Ordinance from time to time, make rules consistent with the provisions of this Ordinance, and rescind, revoke, amend, alter, or add to such rules.
- (2) The rules may prescribe-
- (a) the duties of census officers;
 - (b) the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of the census;
 - (c) the forms of schedules to be prepared by the Superintendent of Census for the purpose of being filled up with the particulars so prescribed.
- (3) The rules shall be published in two issues of the Gazette and shall come into effect from the date of the last of such publications and shall be judicially noticed.
- (4) Any person committing any breach of any such rule shall, on conviction before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding fifty thousand rupees, or to both such imprisonment and fine.

District Secretary
to be the
Commissioner of
Census.
[3, 26 of 2011]

6. Every District Secretary, shall in addition to the powers, duties and functions exercised, performed or discharged by him within the Administrative District in respect of which he is appointed, be appointed as the Commissioner of Census in respect of such District:
- Provided that the Minister may where it appears that it is not practicable to appoint the District Secretary as Commissioner of Census appoint any other person as Commissioner of Census for such Administrative District or part thereof, as the case may be.

Appointment of
Deputy
Commissioners
and Assistant
Commissioners of

7. The Minister may appoint for any specified area a Deputy Commissioner of Census and an Assistant Commissioner of Census to assist the Commissioner of that area in the taking of a census under the

provisions of this Ordinance.

Census.

[5, 55 of 2000]

Engagement of enumerators, supervisors and chief supervisors.
[5, 16 of 1981]

8. A Commissioner may in writing engage any person to be an enumerator, supervisor or chief supervisor, as the case may be, to take or aid in taking or supervise the taking of the census within any specified local area and may at any time discharge such person.

Who are census officers.
[6, 55 of 2000]
[5, 16 of 1981]

9. The Superintendent and every Deputy Superintendent, Assistant Superintendent, Commissioner, Deputy Commissioner, Assistant Commissioner, chief supervisor, supervisor and enumerator referred to in the preceding provisions of this Ordinance shall be a census officer within the meaning of this Ordinance, and shall be deemed to be a public officer within the meaning of the Penal Code.

Occupier to allow access and permit affixing of numbers.
[5, 16 of 1981]

10. Every person occupying any land, building, house, enclosure, vessel, or other place shall allow any census officer such access thereto as he may require for the purpose of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow him to paint, mark, or affix on or to the property in the occupation of such person such letters, marks, or numbers as may be necessary for the purposes of the census.

Asking of questions by census officers.

11. Every census officer may ask all such questions of all persons within the limits of his local area as by rule made in this behalf by the Minister he may be directed to ask.

Obligation to answer questions.

12. Every person of whom any question is asked under section 11 shall be bound to answer such question to the best of his knowledge and belief.

Schedules to be left at dwelling houses or establishments and filled up by the chief occupier or person in charge.
[6, 16 of 1981]

13. (1) Subject to such rules as the Minister may make in this behalf, any census officer may leave or cause to be left a schedule in the form prescribed by the Minister at any dwelling house or any establishment within the local area of such census officer for the purpose of its being filled up by the chief occupier or person in charge or in his absence by any responsible member of such house or establishment or of any specified part thereof.

(2) Where any such schedule has been so left, the chief occupier of

the house or
person in charge
of the
establishment or
part to

which it relates shall fill it up or cause it to be filled up to the best of his knowledge and belief and sign his name thereto in such place if provided and when so required shall deliver the schedule so filled up and signed to the supervisor or enumerator appointed for the local area within which the house or establishment is situated or such other person as the Commissioner may direct.

Schedule to be delivered to and filled up by persons in command or in charge of institutions.
[7, 6 of 1945]

14. (1) Subject to such rules as the Minister may make, any census officer of any area may, if so required by the Commissioner, deliver or cause to be delivered to-

(a) the person in command or in charge of any agricultural, labour, or fire-service corps which is quartered in any barracks, station, or premises, or of the staff and laborers serving in any residential state farm, in that area;

(b) the person in charge of any public or private hospital, sanatorium, convalescent or nursing home, mental hospital, workhouse, or any public, charitable, religious or educational institution, in that area;

(c) the person in charge of any prison, police station, reformatory, lockup, or other place of detention, in that area;

(d) the keeper, secretary, or manager, or other person in charge of any hotel, boarding-house, lodging-house or club, or other similar residential establishment, in that area,

a schedule or schedules in the prescribed form and require him to enter therein the particulars relating to the persons who at the time of the taking of the census are under his command or charge, or are inmates of such residential establishment.

(2) The person to whom the schedule or schedules is or are delivered under subsection (1) shall cause the schedule or schedules to be filled up with the particulars required by that subsection, to the best of his knowledge and belief, and shall sign his name thereto, in such place if provided and when so required shall deliver the schedule or schedules so filled up and signed to the enumerator or supervisor appointed for that area, or to such other person as the Commissioner for that area may direct or in a manner directed by the Superintendent of Census or Commissioner for that area.

- Enumeration of naval, army or air forces and voyagers, travellers &c. [8, 16 of 1981]
15. The Superintendent of Census shall obtain by such ways and means as shall appear to him best adapted for the purpose the information required by this Act or by the rules made by the Minister with respect to
- (a) any body of men belonging to the Sri Lanka naval, army or air forces or to any vessel of war; and
 - (b) all persons who during the time appointed for taking any census were travelling or on shipboard, or for any other reason were not abiding in any house, of which account is to be taken by the census officer as aforesaid,
- Schedules to be delivered to superintendents of estates and filled up by them.
16. (1) It shall be the duty of every Commissioner to make or cause to be made a list of all estates of the extent of twenty acres or more in his district, upon which there are ten or more resident laborers, with the approximate number of residents on each such estate and of the acreage under cultivation, and to cause to be delivered to the superintendent or person in charge, being resident on such estate, schedules in the prescribed form to be filled up by such superintendent or person in charge with the particulars required in such schedules.
- (2) Every such superintendent or person in charge shall furnish the Commissioner with such information as he may require for the preparation of the list mentioned in the preceding subsection, and shall sign and deliver to the person from whom he shall receive the schedules mentioned in the said subsection a receipt therefor to be provided for that purpose, and shall fill up the said schedules to the best of his knowledge and belief as to all persons being on the estate under his superintendence or charge at the time of the taking of census, and shall within forty-eight hours from such time transmit such schedules to the Kachcheri of the district or to the nearest post office addressed to the Commissioner, together with a certificate signed by him that the said schedules have been truly and faithfully filled up by him, and that to the best of his knowledge and belief the same are correct.
- Duty of employers of labour to make returns. [9, 16 of 1981]
17. (1) It shall be the duty of every employer or person in charge of five or more employees on any mining or quarrying property, or in any factory, workshop or other commercial or industrial establishment, to make a declaration in the prescribed form to

the Superintendent of Census or the Commissioner of the district within which such mining or quarrying property, factory, workshop or other commercial or industrial establishment is situated, stating that he has under his employ or in his charge upon such mining or quarrying property, factory, workshop or other commercial or industrial establishment five or more employees. Such declaration shall be made within fourteen days of the publication, in the Gazette and in one or more newspapers, of a notice by the Superintendent of Census or the Commissioner of the district or area calling for such declaration to be made.

(2) It shall be the duty of the Superintendent of Census or every Commissioner, as the case may be, to deliver or cause to be delivered, to every person making the declaration required by subsection (1) a schedule or schedules in the prescribed form to be filled up by such person with the required particulars.

(3) Every person to whom any schedule is delivered under subsection (2) shall sign and return to the person from whom he shall receive the schedule such receipt therefore as may be provided for that purpose, and shall fill up the schedule or schedules, to the best of his knowledge and belief, with the particulars relating to all persons who are on the mining or quarrying property, factory, workshop, or other commercial or industrial establishment under his charge at the time of the taking of the census, and shall sign his name thereto, and when so required shall deliver the schedule or schedules so filled up and signed to the enumerator or supervisor appointed for the local area within which the mining or quarrying property, factory, workshop or other commercial or industrial establishment is situated to such other person as the Superintendent of Census or the Commissioner may direct or in any other manner directed by the Superintendent of Census or the Commissioner.

Enumerator to deliver schedules and returns to the supervisor.

18. Every enumerator shall deliver to the supervisor all schedules and all such returns as may be required by the Superintendent of Census on a day to be appointed for the purpose by the Commissioner, and it shall be the duty of such supervisor to verify them and to transmit them forthwith to the Commissioner.

Commissioner to forward them to

19. The Commissioner shall upon the receipt of such schedules and

returns forthwith forward the same to the Superintendent of Census.

Superintendent.

Abstract to be made and forwarded to the Minister, and published.

20. The Superintendent of Census shall, upon receipt of the schedules and returns, cause an abstract to be made of the same and forward the said abstract to the Minister within such time as may be appointed by the Minister, and the same shall be printed and published for general information.

How information this ordinance to be published &c.
[10, 16 of 1981]

20A. (1) Notwithstanding anything in section 20 no publication prepared under this Ordinance shall disclose or facilitate the identification of any particulars as being particulars relating to any individual person.
(2) Every person engaged in the collection and preparation of statistics under this Ordinance shall make a declaration in the prescribed form that he will not except for the purpose of this Ordinance, disclose or make use of any information supplied under this Ordinance.

[4, 26 of 2011]
[7, 55 of 2000]
[11, 16 of 1981]

21. (1) Any census officer or any other person employed Penalties by the Superintendent of Census or a Commissioner of Census for the purposes of any census under this Ordinance, who-

(a) without sufficient cause, refuses or neglects to comply with any instructions or directions given to him by the Superintendent or Commissioner or by any other census officer on behalf of the Superintendent or Commissioner or fails to use reasonable diligence and care in performing any duty imposed on him; or

(b) wilfully puts an offensive or improper question or knowingly makes any false return; or

(c) asks, receives, or takes from any person other than an authorized officer or Government any payment or reward,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding fifty thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.

(2) Any person who-

(a) refuses to answer to the best of his knowledge and belief

any question asked of him by a census officer which he is legally bound so to answer, or wilfully makes a false answer thereto; or

(b) refuses to fill the particulars required on the schedule delivered to him by a census officer which he is legally bound to fill; or

(c) makes, signs, delivers, or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement or return; or

(d) refuses to allow a census officer such reasonable access to a land, building, house, enclosure, vessel, or other place as he is required by this Ordinance to allow; or

(e) removes, obliterates, alters, or injures, before the expiry of four weeks from the time of the taking of census, letters, marks, or numbers which have been painted, marked or affixed for the purposes of the census; or

(f) refuses or neglects to comply with any provision of this Ordinance, or of any rule made thereunder,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding fifty thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.

(3) Any person who-

(a) knowingly acts in contravention of a declaration made by him under section 20A; or

(b) being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of section 20A publishes or communicates that information to any other person,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding six months or a fine not exceeding fifty thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.

No prosecution without Attorney-General's authority. 22.No prosecution shall be instituted under this Ordinance except on the written authority of the Attorney-General.

Record or entry made by census officer admissible in evidence only in a prosecution under this Ordinance. 23.No entry in any book, register, or record made by a census officer or by any other person in the discharge of his duty under this Ordinance shall be admissible as evidence in any civil or in any criminal proceeding, save and except a prosecution instituted under this Ordinance, in respect of such entry against the person who made, signed, or delivered the same, or caused the same to be made, signed, or delivered, anything in any enactment contained to the contrary notwithstanding.